Court No. - 1

Writ petition No. 580 (M/S) of 2001

Smt. Brijendra Kaur and others .....Petitioners.

Versus

Sri Ram Agarwal and others .....Respondents.

Hon. P.C. Verma, J

This writ petition has been filed by the petitioner challenging the order dated 30.03.2001 passed by the District Judge, Dehradun. in Civil Revision No. 74 of 2001.

The said revision was filed by the revisionist against the order dated 27.03.2001 rejecting certain objections raised by the petitioner under section 47 of the Code of Civil Procedure. The main objection of the petitioner was that the property was not described in the award, therefore the property sought to be sold cannot be sold. Both the courts below have recorded a finding that the property required to be handed over is to the extent that required to be handed over under the award which has been upheld by the Apex Court also. It is not disputed that the property does not belong to the petitioner and the petitioner is under the obligation to satisfy the decree. This court cannot exercise its power under Article 226/227 of the Constitution of India to stop the execution of the decree which has been upheld by the Apex Court.

For the reasons recorded above, the writ petition is dismissed.

No orders as to costs.

R.P. Singh (P.C. Verma, J)
19.4.2001